

REMARKS

Applicant once more appreciates the indication in the Office Action dated 3 August 2010 (the "Office Action") that claim 11 is directed to allowable subject matter. The Applicant also appreciates the patience and diligence displayed by the Patent Office Action in examining the present application six times, while apparently performing at least four searches in the process.^{*} Once more, however, the pending rejections are improper, and should be withdrawn. In view of the extremely thorough examination of the pending claims, the Applicant respectfully submits that the patentability of the pending claims is abundantly clear. These claims should be immediately allowed.

Claims 1-9 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Kolsky (US 2002/0022485). These rejections are in error for at least three reasons. First, Kolsky does not disclose "associating each of [] first and second subscribers with [a] corresponding type of terminal," where a first type of terminal comprises functionality for client-based retrieval of data objects while a second type relies on functionality in the network to provide for data object retrieval. Second, Kolsky does not disclose "determining occurrences of triggering events indicating communication events between subscribers." Finally, Kolsky does not disclose "selectively providing data object retrieval only to subscribers associated with network type terminals," in response to triggering events.

The MPEP is quite clear that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628,

^{*} In previous Office Actions, the claims have been rejected over Minborg (US 6,977,909); Burger (US 6,353,660); Grunsted (US 6,192,123) in view of Pernu (US 6,978,005); Grunsted alone; and Asthana (US 2009/0106380). All of these rejections have been withdrawn by the Office.

631 (Fed. Cir. 1987). Here, virtually all of the features of the claims are missing from the reference, and the rejections should be withdrawn.

Kolsky does not disclose "associating each of first and second subscribers with a corresponding type of terminal."

Claim 1 recites a method that includes "associating each of [] first and second subscribers with [a] corresponding type of terminal," where a first type of terminal comprises functionality for client-based retrieval of data objects while a second type relies on functionality in the network to provide for data object retrieval. Independent claim 9, directed to an apparatus generally corresponding to the method of claim 1, includes a similar feature.

The Office Action asserts that this "associating" feature can be found in Kolsky, citing Kolsky's paragraphs 0047-0048 and 0051-0058 in support. The Applicant can find no hint of the associating feature in these paragraphs, or elsewhere in Kolsky. For this reason alone, all of the pending rejections are in error and should be withdrawn.

Kolsky's paragraphs 0047 and 0048 describe techniques in which "object identifiers" may be distributed to "potential users" of Kolsky's data object retrieval system. Kolsky explains that these identifiers can be distributed in print, television, or radio advertisements; in billboards, music videos, and movies; and even on medicine bottle labels. The Applicant notes that this discussion of disseminating object identifiers has nothing to do with the operation of a telecommunications network, as this dissemination occurs before a "potential user" enters an object identifier into an access device. Accordingly, paragraphs 0047 and 0048 disclose nothing of relevance to the feature of interest, "associating each of [] first and second subscribers with [a] corresponding type of terminal."

Kolsky's paragraphs 0051-0058, on the other hand, are at least relevant to the technical operation of Kolsky's system for retrieving data relevant to "objects". However, they do not

disclose or suggest the "associating" feature of the claims. A brief summary of each of these paragraphs is given below:

- Paragraph 0051 generally introduces a system for retrieving information with a cellular telephone, briefly describing a network (which can be wireless) and corresponding access devices, including wireless telephones, pagers, PDAs, and the like.
- Paragraph 0052 reiterates that "object identifiers" are disseminated to users through means other than the network of paragraph 0051, and explains in particular that "there is no requirement for [the] access device to be in close physical proximity to the physical representation of the object when the object identifier is entered by the user."
- Paragraph 0053 explains that an "object identifier" is sent from an access device to an "object identifier resolving network," which "preferably performs functions for resolving object identifiers and performing session establishment."
- Paragraph 0054 explains that the "object identifier resolving network" includes a "resolving server" and a "resource server." The former determines which resource is being requested, by "resolving" the object identifier. The latter provides the requested resource, such as a Web page.
- Paragraph 0055 details that object identifier resolving network includes a database that stores rules for identifying objects and rules for "handling communication with the objects."
- Paragraph 0056 notes that Kolsky's system "is compatible and may be implemented with access devices that allow multi-mode capabilities," including wireless telephones that include Web browsing software.
- Paragraph 0057 begins another review of Kolsky's overall scheme, and highlights that "each object is assigned an object identifier," and notes that "the object identifier is

optionally a telephone number." A single object can have more than one object identifier.

- Paragraph 0058 repeats that object identifiers are published, stating that "[o]ptionally and preferably, the object identifier is published by being placed in close physical proximity to a physical representation of the object."

It is quite clear that the cited portion of Kolsky includes no discussion regarding identifying specific types of terminals and associating each of several subscribers with a corresponding type of terminal. Indeed, Applicant can discern no support at all for the Office Action's finding that the "associating" feature of the claims is disclosed by Kolsky. For at least this reason, the rejections of claims 1-9 are in error and should be immediately withdrawn.

Kolsky does not disclose "determining occurrences of triggering events indicating communication events between subscribers."

The method of claim 1 further includes "determining occurrences of triggering events indicating communication events between subscribers." Independent apparatus claim 9 again includes a similar feature. The Office Action asserts that this "associating" feature can be found in Kolsky, citing Kolsky's paragraph 0043 in support. Once again, the Applicant can find no hint of the "determining" feature in this paragraphs, or elsewhere in Kolsky. For this additional reason, all of the pending rejections are in error and should be withdrawn.

In fact, Kolsky's paragraph 0043 has absolutely nothing to do with communication events between subscribers." The entirety of the cited paragraph is provided below:

In another embodiment of the present invention, a class of resources call Universal Shell Objects (USO) is defined. USO's are identified by object identifiers. USOs serve as anchor points for arbitrary services, which are said to be associated with the USO. These services may effect the delivery of goods of information. Users connect to USOs to interact with these services in what is called a transaction. Once an object identifier is resolved to a USO, the USO is optionally and preferably provided with data pertaining to the user, such as user classification, preferences, capabilities, permissions, security and authentication

data, personal and demographic data and profiling information; device information, such as which access network was used to enter the object identifier, device capabilities and limitations, bearer capabilities and routing information; contextual information, such as device or user location, locale information such as language, temporal information such as the time or any other external information, such as market index values or the fact that some event had occurred or not. The collection of information is called the environment of the transaction.

Kolsky's paragraph 0043 describes a system in which individual users of a network are provided information. This paragraph clearly does not describe the detection of triggering events indicating communication events between subscribers. Because this feature of the pending claims is not found here or elsewhere in Kolsky, the rejections of claims 1-9 are clearly in error.

Kolsky does not disclose "selectively providing data object retrieval only to subscribers associated with network type terminals."

The method of claim 1 further includes "selectively providing data object retrieval only to subscribers associated with network type terminals," in response to the detected triggering events. Claim 9 has a similar feature. Again, the Office Action alleges that this feature of the claims is found in Kolsky, this time citing paragraphs 0073-0076 in support. Again, the Office Action is in error.

Paragraph 0073 describes a technique for retrieving a WML (Wireless Markup Language) page from a server, and notes that a WAP (Wireless Application Protocol) gateway can translate a web page into WML or other language suitable for a cellular telephone. Paragraph 0074 begins a discussion of "another exemplary embodiment" of Kolsky's system, using "a different protocol" to "transmit the initial string or other information from the cellular telephone." In particular, the USSD (unstructured supplementary services data) format is used. Paragraph 0075 describes the processing of the transmitted string by a USSD server, which communicates with a "***server". Paragraph 0076 explains that the "***server" resolves the message from the USSD and sends the information to a core server.

It is readily apparent that none of this discussion in Kolsky bears any resemblance to the "selectively providing" feature of the claims. The claims recite that the providing of data object retrieval depends on the association of a given subscriber with a network-type terminal. Kolsky makes no apparent distinction based on what type of terminal is associated with a given subscriber. This is not surprising, since Kolsky does not describe a system that associates subscribers with terminal types in the first place.

At least because Kolsky does not disclose the "selectively providing" feature of the present claims, all of the pending rejections are in error, and should be withdrawn.

Kolsky does not disclose the features of at least dependent claims 2-6.

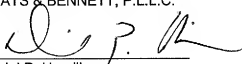
The Office Action's specific findings with regards to several of the dependent claims are in error. In several cases, the Office Action makes additional erroneous findings with regards to the features of the dependent claims. In particular, the Applicant respectfully traverses the findings with regards to claims 2, 3, 4, 5, and 6. Because Kolsky is so clearly deficient with regards to anticipation of the independent claims, a detailed analysis of the Office Action's findings with respect to the dependent claims is not necessary. However, the Applicant reserves the right to present further argument regarding these claims if the same or similar findings are repeated in a subsequent Office Action.

Conclusion

As demonstrated above, Kolsky discloses virtually none of the features of the pending claims. The pending rejections are therefore clearly in error. The Applicant respectfully requests withdrawal of the rejections and immediate allowance of the claims. Should any obstacles to allowance remain, the undersigned would appreciate a call from the examiner, to expedite the long-overdue closing of prosecution in this matter.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'D. P. Homiller', is written over a horizontal line.

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